

## Message Text

UNCLASSIFIED

PAGE 01 CAPE T 00566 121435Z

47

ACTION AF-08

INFO OCT-01 EUR-12 IO-13 ISO-00 SSO-00 INRE-00 NSCE-00

USIE-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 DHA-02 /077 W

----- 082041

O R 121405Z MAY 76

FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC NIACT IMMEDIATE 5185

INFO AMCONSUL DURBAN

AMONSUL JOHANNESBURG 2822

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY PRETORIA

USMISSION USUN NY

UNCLAS CAPE TOWN 0566

E.O. 11652: N/A

TAGS: SF, WA, PINS, PINT

SUBJ: APPLICATION OF RIOTOUS ASSEMBLIES ACT TO NAMIBIA

REF: CAPE TOWN 560

1. COMPARISON OF TEXTS OF RIOTOUS ASSEMBLIES ACT 1956 WITH RIOTOUS ASSEMBLIES AND CRIMINAL LAW AMENDMENT ORDINANCE 1930 OF THE TERRITORY OF SOUTH WEST AFRICA SHOWS THAT 1956 ACT PROVIDES MUCH BROADER AUTHORITY TO MAGISTRATES AND OFFICIALS, AND MUCH STIFFER PENALTIES IN EVERY CASE FOR SIMILAR OFFENSES. FOLLOWING BRIEFLY SUMMARIZES MAJOR DIFFERENCES.

2. 1930 ORDINANCE EMPOWERS MAGISTRATE TO PROHIBIT PUBLIC GATHERINGS IN PUBLIC PLACES IN HIS DISTRICT, WHERE 1956 ACT COVERS ANY GATHERING IN ANY PLACE IN HIS DISTRICT. ANYONE WHO CONVENES OR ASSISTS IN CONVENING OR PRESIDES AT A PROHIBITED GATHERING MAY UNDER THE 1930 ORDINANCE BE IMPRISONED FOR 3 MONTHS FOR A FIRST OFFENSE, SIX MONTHS FOR A SECOND OFFENSE: 1956 ACT PROVIDES PENALTIES OF ONE  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 CAPE T 00566 121435Z

YEAR AND TWO YEARS RESPECTIVELY. THIS INCREASE IS TYPICAL

OF INCREASE IN PENALTIES ON OTHER PROVISIONS OF 1930 ORDINANCE SUCH AS POSTING OR DISTRIBUTING NOTICES OF PROHIBITED MEETINGS, VIOLATING PROHIBITION OF ADMISSION OR ACCESS TO AFFECTED MEETINGS, AND SO FORTH.

3. 1930 ORDINANCE PROVIDES THAT THREE WARNINGS MUST BE GIVEN IN ATTEMPTING TO DISPERSE PERSONS AT A PROHIBITED MEETING, WHERE 1956 ACT PROVIDES FOR A WARNING TO BE GIVEN IN EACH OFFICIAL LANGUAGE (ENGLISH AND AFRIKAANS). 1930 ORDINANCE AND 1956 ACT CONTAIN ALMOST IDENTICAL SECTIONS DEALING WITH VARIOUS OTHER PROVISIONS OF LAW SUCH AS PENALTIES FOR INTIMIDATION OR ANNOYANCE IN RELATION TO EMPLOYMENT, OR IN RELATION TO JOINING ANY SOCIETY OR ASSOCIATION; TRESPASS ON WORK PREMISES TO INFLUENCE WORKMEN, USE OF EPITHETS OR BLACKLISTING IN ANY FORM; BREACH OF CONTRACT BY PERSONS IN PUBLIC UTILITY SERVICES AND A FEW OTHER SIMILAR PROVISIONS.

4. MAJOR DIFFERENCE LIES IN FACT THAT MINISTER OF JUSTICE OR STATE PRESIDENT ARE GRANTED VASTLY EXPANDED AUTHORITY UNDER 1956 ACT, PRINCIPALLY INCLUDING FOLLOWING:

A. MIN JUSTICE CAN PROHIBIT (BY ISSUING NOTICE) ANY GATHERING IN ANY PLACE IF IT APPEARS NECESSARY TO PROTECT PUBLIC PEACE; OR IF HE BELIEVES THAT FEELINGS OF HOSTILITY WOULD BE ENGENDERED BETWEEN EUROPEAN AND NON-EUROPEAN INHABITANTS.

B. MINISTER OF JUSTICE CAN PROHIBIT INDIVIDUALS FROM ATTENDING ANY MEETING ANY PLACE IF HE BELIEVES FEELINGS OF HOSTILITY AS ABOVE WOULD RESULT.

C. MIN JUSTICE CAN PROHIBIT ANY PERSON FROM BEING PRESENT IN ANY PLACE IN THE REPUBLIC (AMENDMENT EXPANDS AREA OF APPLICABILITY TO INCLUDE SOUTH WEST AFRICA) IF HE BELIEVES PRESENCE OF INDIVIDUAL WOULD ENGENDER SUCH FEELINGS OF HOSTILITY.

D. THE CARRYING OF ANY SPEECH OR COMMUNICATION FROM ANY INDIVIDUAL PROHIBITED FROM PARTICIPATION OF PRESENCE  
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 CAPE T 00566 121435Z

UNDER THE TERMS OF THIS ACT IS A PUNISHABLE OFFENSE.

E. THE STATE PRESIDENT CAN PROHIBIT THE PUBLICATION OF ANY DOCUMENTARY INFORMATION IN ANY FORM WHICH MIGHT ENGENDER SUCH FEELINGS OF HOSTILITY BETWEEN RACES.

5. FINALLY, THE 1956 ACT INCLUDES A PROVISION THAT MAKES ANY ATTEMPT, CONSPIRACY TO PERFORM OR AID IN ANY OF THE

ACTS PROHIBITED IN THAT LAW PUNISHABLE BY THE SAME PUNISH-  
MENT AS IF CONVICTED OF THE OFFENSE ITSELF.  
BOWDLER

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, NATIONAL SECURITY, POLITICAL REPRESSION, POLITICAL FREEDOM, TRUSTEESHIPS (UN)  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 MAY 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976CAPET00566  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760183-0434  
**From:** CAPE TOWN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760564/aaaaccte.tel  
**Line Count:** 118  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION AF  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 CAPE TOWN 560  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CollinP0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 18 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <18 JUN 2004 by wolfsd>; APPROVED <24 JAN 2005 by CollinP0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** APPLICATION OF RIOTOUS ASSEMBLIES ACT TO NAMIBIA  
**TAGS:** PINS, PINT, SF, WA  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006